

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EDWARD GOODMAN,	:	CIVIL ACTION NO. 1:10-CV-1794
Petitioner	:	
	:	(Judge Conner)
v.	:	
	:	
JOHN KERESTES, SUPERINTENDENT,	:	
SCI-MAHANOY; PENNSYLVANIA	:	
BOARD OF PROBATION AND PAROLE;	:	
ATTORNEY GENERAL, STATE OF	:	
PENNSYLVANIA,	:	
Respondents	:	

ORDER

AND NOW, this 8th day of February, 2011, upon consideration of the Report and Recommendation of United States Magistrate Judge J. Andrew Smyser (Doc. 16), recommending that the § 2254 habeas petition (Doc. 1) be denied and that no certification of appealability be made, and, following an independent review of the record and noting that plaintiff Edward Goodman filed objections¹ on January 21, 2011, and the court finding Judge Smyser's analysis to be thorough and well-reasoned, it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Smyser (Doc. 16) is ADOPTED in its entirety.
2. The § 2254 petition (Doc. 1) for writ of habeas corpus is DENIED.
3. There is no basis for the issuance of a certificate of appealability. 28 U.S.C. § 2253(c).
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge